

REMARKS

The Final Office Action of April 16, 2004 stated that Claims 1-33 and 38-40 are drawn to an invention nonelected with traverse and required a complete reply to the final rejection by canceling the nonelected claims or taking appropriate action under 37 C.F.R. § 1.144. Also in the Final Office Action, Claims 41-47 and 49-52 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Elsberg et al. (U.S. Pat. No. 6,524,293).

In this Amendment, Applicants have cancelled Claims 1-33 and 38-40 and amended Claim 41. Thus, Claims 41-47 and 49-52 are pending, Claim 41 being an independent claim.

Applicants respectfully submit that pending Claims 41-47 and 49-52 are patentable over Elsberg et al. and respectfully request reconsideration and allowance of the pending claims for the following reasons.

Independent Claim 41, for instance, recites a personal care absorbent article having a front portion including opposing first and second lateral side portions defining respective first and second lateral side edges, and a central section defining a fastening area between the first and second lateral side portions, first and second fault lines being disposed between the fastening area and the respective first and second lateral side portions; a rear portion including an outer rear edge, the first and second fault lines being configured for activation to selectively release the front portion from the rear portion for use of the personal care absorbent article as a diaper-like article; a crotch portion extending between said front portion and said rear portion; and first and second fasteners releasably secured to the fastening area, and non-releasably secured to the first and second lateral side portions of the front portion, the first and second fasteners being adjustable in the fastening area without activation of the first and second fault lines. Applicants

respectfully submit that Elsberg et al. does not disclose or suggest each and every element of Claim 41 as amended.

The Final Office Action rejects Claim 41 by stating that Elsberg et al. discloses a personal care absorbent article comprising a front portion including opposing first and second lateral side edges (figure 7), and a central section defining a fastening area between the first and second lateral side portion (66), first and second fault lines (80) being disposed between the fastening area and the respective first and second lateral side portions (figure 7), a rear portion including an outer rear edge (72), the first and second fault lines being configured for activation to selectively release the front portion from the rear portion for use of the personal care absorbent article as a diaper-like article, or to remain intact for use of the personal care absorbent article as a pant-like structure (col. 18, ll. 42-47) a crotch portion extending between the front portion and the rear portion (figure 7) and first and second fasteners releasably secured to the fastening area (col. 18, ll. 19-22) and non-releasably secured to the first and second lateral side portions of the front portion as set forth in col. 19, ll. 26-29. Applicants respectfully submit that such reliance is misplaced.

The perforations (80) shown in Figure 7 of Elsberg et al. are completely different from the first and second fault lines recited in Claim 41. The perforations (80) are not activated (e.g. torn) to selectively release the front portion (22, see Figure 8), from the rear portion (24, see Figure 8), for use of the diaper (20) as a diaper-like article.

In further contrast to Claim 41, the Final Office Action refers to col. 18, ll. 19-22 of Elsberg et al., which describes the first and second fastener as secondary fasteners (84, 86) that are releasably secured to the fastening area. These secondary fasteners (84, 86) are not non-

releasably secured to first and second lateral side portions as presently claimed but are attached on a stretch panel (70), also noted by the Final Office Action in referring to col. 19, ll. 26-29 of the cited reference.

Moreover, in order to adjust the secondary fasteners (84, 86) of Elsberg et al., the perforations (80) must be broken. In contrast, the first and second fasteners of Claim 41 are simply lifted away from the fastening area and adjusted without activating the first and second fault lines.

In view of the foregoing discussion, Applicants respectfully submit that Elsberg et al. does not anticipate Claim 41 and respectfully request that the Examiner remove the rejection and indicate allowance of Claim 41 and its dependent Claims 42-47 and 49-52.


If the Examiner has any questions upon consideration of this Amendment, Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

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Date


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